

# Residential Self-Assessment Questions - Full

## PART 1

**The following questions relate to whether your setting might have the effect of isolating individuals receiving HCBS.**

**Federal Standard:** Settings that are located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution.

### Question #A

**Is the setting located separate from a building that is a publicly or privately operated facility that provides inpatient treatment (i.e. the setting is *not* located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment)?**

**Questions to help you think through whether or not you are compliant:**

- Is the setting physically connected in any way to a facility providing inpatient treatment?
- Is the setting located in a separate building from any facility providing inpatient treatment?
- Does the setting's physical plant have utilities and other systems that are entirely separate from any facility providing inpatient treatment?

### Question #B

**Is the setting located substantially apart from a public institution (i.e. the setting is *not* on the grounds of, or immediately adjacent to a public institution)?**

**Questions to help you think through whether or not you are compliant:**

- Is the setting sufficiently apart from a public institution such that it would not be considered on the campus of that institution?
- Is the setting information contained on the same sign as the public institution? (A "yes" answer suggests non-compliance).
- Is the setting connected to the public institution by walkways, paths, directions, or other signage? (A "yes" answer suggests non-compliance).
- Is the physical structure of the setting consistent with that of the public institution such that a reasonable person might conclude that there is a business or operational relationship between the two? (A "yes" answer suggests non-compliance).
- Could members of the public likely conclude a business or operational relationship between the two based on other observable characteristics? (A "yes" answer suggests non-compliance).

### Question #C

**Is the setting free of the effects of isolating individuals receiving Medicaid HCBS from those individuals in the broader community who do not receive Medicaid HCBS?**

**Questions to help you think through whether or not you are compliant:**

- Do the individuals residing or receiving services in the setting have the opportunity for regular and frequent interaction with the broader community of persons not receiving Medicaid HCBS?
- Is the setting free of gates, signs, or other means that prevent or discourage individuals from going into the community or from others coming to the setting to visit?

- c. Is the setting free of rules, prohibitions, restrictions, that have the appearance or effect of secluding individuals residing or receiving services in the setting?
- d. Is the setting designed so that individuals receive all of their services at the setting? (A “yes” answer suggests non-compliance).
- e. Do individuals at the setting have the opportunity for regular interaction with others who are not employed by or in service to the setting or its affiliates?
- f. Are individuals residing or receiving services at the setting encouraged and supported to access community events, activities, and neighbors?
- g. Is the culture of the setting such that community engagement is encouraged, even if the setting is located in a rural environment?

## **PART 2**

**The following questions relate to how integrated your setting is in the greater community and how much support for community access and integration is provided to individuals.**

**Federal Standard A:** The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.

### **Question #1**

**Does your setting support full access to the community for individuals receiving HCBS, including opportunities to seek employment and work in competitive, integrated settings to the same degree as persons not receiving HCBS?**

**Questions to help you think through whether or not you are compliant:**

- a. Are there assessment and planning processes in place to determine an individual’s desire to participate in community events, access community resources, or seek employment?
- b. Is information about community events, resources, and services, including competitive, integrated employment opportunities in the community, available to individuals?
- c. Are qualified, knowledgeable staff members designated to provide information about community events, resources, and services, including competitive, integrated employment opportunities, to participants?
- d. Are there staff and resources available to assist with regular travel to and from the community?
- e. Are there staff available to provide help with making transportation arrangements for individuals?
- f. Are the opportunities for employment at settings that are also designed for persons who do not receive HCBS services?
- g. Are the employment setting opportunities used similarly by both those who do receive HCBS and those who do not, i.e. do both types of individuals have similar job duties?
- h. In the employment settings available, are individuals who do receive HCBS able to interact freely, if they desire, with those individuals who do not receive HCBS?
- i. Are there processes in place for continued monitoring of employment opportunities for the extent to which they are competitive and integrated?

### **Question #2**

**Do individuals regularly engage in community life according to their choice?**

**Questions to help you think through whether or not you are compliant:**

- a. Are individuals regularly asked about their desire to go out into the community?

- b. Are there processes in place, along with staff assignments, to determine an individual's desire to go out into the community?
- c. Do individuals have the freedom to come and go into the community whenever they desire?
- d. Is the setting free of barriers to an individual's expressing a desire to attend, and his/her actual attendance at community events?
- e. Do individuals regularly receive or have access to relevant and timely information about community events and activities?
- f. Are individuals able to make, and safely carry out, independent decisions about attending community events and activities?

### **Question #3**

#### **Do individuals control their personal resources?**

##### **Questions to help you think through whether or not you are compliant:**

- a. Do individuals have ready access to their cash, bank accounts, credit cards, paychecks, or other consumer resources?
- b. Are individuals free to make independent decisions about the use of their personal funds or other resources?
- c. Do individuals receive support or assistance for managing personal resources if they need it and is there a process for easily requesting help when needed?

### **Question #4**

#### **Do members receive services in the community?**

##### **Questions to help you think through whether or not you are compliant:**

- a. Are individuals regularly provided a choice about receiving services in the community?
- b. Do individuals regularly leave the setting to attend appointments of any type in the community?
- c. Do individuals receive support or assistance, if needed, to arrange for receiving services in the community?
- d. Can individuals easily make transportation arrangements to receive services in the community or are they supported in making those arrangements?
- e. Do individuals receive training in accessing transportation resources in order to receive services in the community?

## **PART 3**

**The following questions relate to each individual's choice of settings and services and their rights and autonomy.**

**Federal Standard B:** The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting.

### **Question #5**

#### **Is the setting selected by the individual from among options identified, including non-disability specific settings, and are those options documented in a person-centered service plan?**

##### **Questions to help you think through whether or not you are compliant:**

- a. Is there an updated and comprehensive list of service and residential setting options available to discuss with individuals?
- b. Are service and residential setting options discussed with individuals at planning meetings?

- c. Do individual service plans contain updated and accurate information about various service and residential setting options available for the individual and the choices made by him or her and why?
- d. Are there processes in place that allow individuals to change settings if they wish and is there support and assistance available to them in the process?
- e. Are there qualified, knowledgeable staff available to discuss service and residential setting options with individuals?

#### **Question #6**

**Are the setting options based on the individual's needs, preferences, and resources available for room and board?**

#### **Questions to help you think through whether or not you are compliant:**

- a. Are the individual's needs and preferences for residential and service settings assessed and documented regularly?
- b. Are setting choices based on the individual's actual needs and preferences?
- c. Are individuals asked whether they would like to visit other settings so they can see available options?
- d. Is there a qualified, knowledgeable staff member tasked with maintaining an up-to-date list of residential and service options information and resources?

### **PART 4**

**The following questions relate to each individual's rights of privacy, dignity, respect, and freedom from coercion.**

**Federal Standard C:** The setting ensures each individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.

#### **Question #7**

**Does your setting ensure each individual's right of privacy?**

#### **Questions to help you think through whether or not you are compliant:**

- a. Are all staff regularly trained in resident rights, including the rights to privacy and confidentiality?
- b. Do all staff knock on the door and wait to be invited in before actually entering?
- c. Is all personal information (e.g. name, age, life circumstances) shielded from public view unless there is written permission of the individual?
- d. Is personal information revealed to others, including setting staff, on a "need to know" basis and only with the permission of the individual?
- e. Are individuals regularly reminded about their right to privacy and what that means in daily life?

#### **Question #8**

**Does your setting ensure each individual's dignity?**

#### **Questions to help you think through whether or not you are compliant:**

- a. Are all staff regularly trained in topics relating to individual dignity and self-determination?
- b. Are there policies that prohibit undignified treatment and a mechanism for reporting infractions and enforcing those policies?
- c. Are there grievance procedures in place that provide due process to any individual claiming undignified treatment?

- d. Are individuals supported in voicing any grievances of unfair, undignified, or interactions that are in any way problematic for the individual?
- e. Can individuals obtain assistance from staff in the report of any grievance?
- f. Are there policies in place to guard against retaliation in the event an individual files a grievance?
- g. Are individuals regularly reminded about their right to dignity and self-determination and what that means in daily life?

#### **Question #9**

**Does your setting ensure respectful treatment of every individual?**

**Questions to help you think through whether or not you are compliant:**

- a. Are all staff regularly trained in topics relating to respectful treatment of every individual?
- b. Are there policies that prohibit disrespectful treatment and a mechanism for reporting infractions and enforcing those policies?
- c. Are there grievance procedures in place that provide due process to any individual claiming disrespectful treatment?
- d. Are individuals supported in voicing any grievances of disrespectful interactions that are in any way problematic for the individual?
- e. Can individuals obtain assistance from staff in the report of any grievance?
- f. Are there policies in place to guard against retaliation in the event an individual files a grievance?
- g. Are individuals regularly reminded about their right to respectful treatment and what that means in daily life?

#### **Question #10**

**Does your setting ensure each individual's freedom from coercion and restraint?**

**Questions to help you think through whether or not you are compliant:**

- a. Are all staff regularly trained in topics relating to each individual's right to be free of coercion and restraints?
- b. Are there policies that prohibit restraints and coercive practices and a mechanism for reporting infractions and enforcing those policies?
- c. Are there grievance procedures in place that provide due process to any individual?
- d. Are individuals supported in voicing any grievances of disrespectful interactions that are in any way problematic for the individual?
- e. Can individuals obtain assistance from staff in the report of any grievance?
- f. Are there policies in place to guard against retaliation in the event an individual files a grievance?
- g. Are individuals regularly reminded about their right to respectful treatment and what that means in daily life?
- h. Is the setting free of seatbelts, lap buddies, gates, or other similar personal or environmental barriers?
- i. Are wheelchairs kept unlocked for those individuals who are not able to unlock them without assistance according to their preference?
- j. Is the setting free of bed rails, grab bars, bed wedges, or other means that impedes free mobility?
- k. Are the staff trained in a resident's right to be free from coercion and physical, emotional, or chemical restraint?
- l. Are all physician medication orders specific as to the FDA approved-use parameters for administering any medication that could be used as a chemical restraint?
- m. Are there enforcement mechanisms in place to insure compliance with the policy that staff do not physically, emotionally, chemically, or otherwise restrain any individual at any time?

## PART 5

**The following questions relate to each individual's autonomy and independence in making life choices about daily activities, physical environment and about with whom to interact.**

**Federal Standard D:** The setting optimizes, but does not regiment, each individual's initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.

### Question #11

**Are there regular opportunities for individuals to express and carry out their wishes for daily life, including daily activities, physical environment, and with whom to interact?**

#### **Questions to help you think through whether or not you are compliant:**

- a. Are there routine conversations during the day between individuals and staff about how the individuals wish to spend each day?
- b. Are individuals free to spend their days as they wish, without direction or coercion from others?
- c. Can individuals freely object to or decline to participate in any activity or outing, including meals or other activities of daily living?
- d. Are individuals given a meaningful choice about whether to participate in any activity or outing, including meals or other activities of daily living?
- e. Are individuals routinely asked, before they retire, whether they wish to be awakened to participate in an activity if they are sleeping when the activity is scheduled to begin?
- f. Is the setting free of policies requiring individuals to ask permission to engage in any particular activities or interact with others?

### Question #12

**Are individuals free to move about the setting and change their physical location at any time, both within or outside of the setting?**

#### **Questions to help you think through whether or not you are compliant:**

- a. Are individuals permitted unrestricted, safe access to all common areas of the setting?
- b. Are individuals permitted unrestricted, safe access to the outdoors?
- c. If an individual needs assistance accessing the outdoors or other parts of the community, are staff available to assist them without undue delay?
- d. Are there safe outdoor spaces for individuals to spend time as they wish?
- e. Are wheelchair brakes left in an "off" position so that individuals freely can move about the setting?
- f. Are there routine conversations during the day between individuals and staff about where the individuals wish to be physically located at any given moment?

## PART 6

**The following questions relate to whether the setting facilitates individual choice about services and supports and who provides them.**

**Federal Standard E:** The setting facilitates individual choice regarding services and supports, and who provides them.

**Question #13**

**Is each individual provided with a choice of which services and supports s/he may have, as well as a choice of which person or agency will provide those services and supports?**

**Questions to help you think through whether you are compliant:**

- a. Are individuals offered choices about the types of services and supports available to them in order to meet their needs and preferences for daily life?
- b. Are planning staff sufficiently informed about each individual's needs and preferences so that an inventory of services and supports can be created and offered to the individual?
- c. Are formal processes in place that provide regular opportunities for individuals to make meaningful choices about services and supports to assist them in daily life?
- d. Are individuals offered choices about the various providers, both individuals and agencies, who are available to provide the needed or desired services and supports?
- e. Are these choices made available even when the setting staff is also available to provide some or all of those services and supports?

**PART 7****FOR PROVIDER-OWNED OR CONTROLLED RESIDENTIAL SETTINGS**

**The following questions relate to an individual's physical space in your setting and the extent of privacy and freedom.**

**Federal Standard F:** The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services.

**Questions #14 Is there a legally enforceable agreement that relates to each physical space in the setting that is owned, rented, or occupied by each individual receiving HCB services?**

**Questions to help you think through whether you are compliant:**

- a. Are there contracts, agreements, or other writings that are specific to the unit of space assigned to each individual receiving services?
- b. Are these agreements drafted in plain language and are they signed by the individual after an opportunity to review, ask questions, and provide informed consent as to the contents of the writing?
- c. Are there policies in place that govern how and when these agreements are executed and who are the parties?
- d. Are individuals provided with opportunities to have these agreements reviewed by someone of his/her choice, including an attorney?
- e. Are the terms of the agreements regularly reviewed for ease of comprehension and fairness?
- f. Are there policies and processes in place that allow individuals to ask questions about any of the terms of the agreement, how it applies to him/her, or any other question?

**Federal Standard G:** The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, the county, city, or other designated entity. For settings in which the landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS member, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.

**Question #15**

**If the landlord/tenant laws apply to the setting, does the individual receiving services have all of the same responsibilities and protections from eviction as any other person under the landlord/tenant laws of the State of Maine? [link]**

**Questions to help you think through whether you are compliant:**

- a. Is there a policy or a process for evaluating whether the rights and responsibilities under the State's landlord/tenant laws are the same as under the agreement relating to the unit of space assigned to individuals residing in the setting?
- b. Are individuals provided with a meaningful opportunity to ask questions about the agreement and is that process documented?
- c. Do individuals understand their rights under the landlord tenant laws of the State?
- d. Do individuals understand that they can request new housing and relocate?

**Question #16**

**If the landlord/tenant laws do not apply to the setting, does the contract or agreement relating to the unit of space assigned to the individual provide protections that address eviction processes and appeals similar to those provided under the landlord/tenant laws of the State of Maine? [link]**

**Questions to help you think through whether you are compliant:**

- a. See exploratory questions above

**Federal Standard H:** Each individual has privacy in their sleeping or living unit.

**Question #17**

**Does each individual have privacy in the space that s/he lives and sleeps on a daily basis?**

**Questions to help you think through whether you are compliant:**

- a. Is there a way for each individual to lock his/her space in order to be free from the intrusion by others?
- b. Is each individual offered separate space that is his/her own, free from occupancy or intrusion by others?
- c. When individuals are sleeping, are they free from being awakened or otherwise disturbed in their sleep for any reason unless s/he has requested to be awakened?

**Question #18**

**If individuals share a room, does each individual have a choice of roommates?**

**Questions to help you think through whether you are compliant:**

- a. Are individuals provided an opportunity to choose their roommate?
- b. Are individuals provided an opportunity to change roommates at any time, without restrictions or impediments of any kind?
- c. Is there a process in place in which individuals are regularly asked whether they wish to change anything about their living unit?
- d. Are staff available to assist individuals should they request a change of any sort?

**Question #19**

**Do individuals have the freedom to furnish and decorate their sleeping or living unit with the lease or other agreement?**

**Questions to help you think through whether you are compliant:**



- a. Are rooms furnished and decorated with items that belong to the individual occupying the unit?
- b. Are individuals given a choice about how they wish their living unit to be furnished and decorated?
- c. Are individuals provided with regular opportunities for staff to assist them with furnishing and decorating with their own belongings?

**Federal Standard I:** Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.

#### **Question #20**

**Are individuals able to decide how they wish to spend each day?**

**Questions to help you think through whether you are compliant:**

- a. Are there policies and practices in place that support each individual's right to create his/her own schedule for each day (or other time frame)?
- b. Does each individual have the opportunity to create and manage his/her own daily schedule?
- c. Does the staff receive training in how to inquire about, honor, and assist with carrying out the preferred daily schedule for individuals?
- d. Are individuals free from impediments to creating and managing their own daily schedules?
- e. Do staff regularly inquire about each individual's choices for activities and events during the course of each day?

#### **Question #21**

**Are individuals able to access a variety of food choices at any time?**

**Questions to help you think through whether you are compliant:**

- a. Are individuals given a choice of meal options at each meal?
- b. Can individuals request preferred or desired food items and are those items supplied without undue delay?
- c. Are kitchen or sub-kitchen facilities available to individuals at all hours?
- d. Is the setting free of impediments to accessing food at all hours?
- e. Is the setting free of impediments to eating in any of the common spaces of the setting?
- f. Are there a variety of fresh, appetizing meals, snacks, and beverages available at all hours?
- g. Are individuals able to choose where and with whom they eat, and can they also choose to eat alone or in their living unit or in any of the common areas of the setting?

**Federal Standard J:** Individuals are able to have visitors of their choosing at any time.

#### **Question #22**

**Are individuals able to have visitors of their choosing at any time?**

**Questions to help you think through whether you are compliant:**

- a. Are individuals provided an opportunity to say with whom they would like to visit and when?
- b. Are there policies and practices in place that promote and support visitors coming to the setting to visit, according to each individual's preferences?
- c. Are there policies and practices in place that promote and support an individual going out into the community to visit with family and friends, according to his/her preferences?
- d. Are there private, comfortable spaces where individuals can meet with visitors when they wish?
- e. Are there a sufficient number of private, comfortable visiting spaces to accommodate the residents of the setting?

**Federal Standard K:** The setting is physically accessible to the individual.

**Question #23**

**Is the setting physically accessible to each individual?**

**Questions to help you think through whether you are compliant:**

- a. Can individuals access all of the common spaces of the setting without requesting assistance?
- b. Can individuals access their own living, sleeping, eating, and toileting spaces without requesting assistance?
- c. Can individuals access safe space outdoors without requesting assistance?
- d. Is the setting regularly evaluated for accessibility by each individual?
- e. Is the setting free from impediments and barriers to common spaces or to one's own living, sleeping, eating, and toileting space?

**PART 8**

**The following questions relate to modifications to the conditions in the Federal Standards F through K that must be supported by a specific assessed need and justified in a person-centered service plan.**

**Federal Standard:** Any modifications of the additional conditions set forth in Standards F through K must be supported by a specific assessed need and justified in the person-centered service plan.

[Plan Modification Questions in a separate document]